

Application No. 09/266,202

IN THE CLAIMS

Please amend claim 2 as follows:

- ES 2. (Once Amended) A collection of particles in a powder comprising zinc oxide, the collection of particles having an average diameter less than about 45 nm.

REMARKS

Claims 1-5, 7-9 and 25-30 are pending. The specification has been amended to update references to copending applications. Also, claim 2 was written in independent form. The amendment of claim 2 is supported by the specification, for example, at page 33, lines 1-6.

All of the pending claims stand rejected. Applicants respectfully request reconsideration of the rejections based on the following comments.

Rejections Over Bhargava and Jaskie

The Examiner rejected claims 1-5, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,455,489 to Bhargava (the Bhargava patent) in view of U.S. Patent 5,442,254 to Jaskie (the Jaskie patent). The Examiner asserts that the Bhargava patent discloses phosphors including ZnO and teaches the claimed invention except for the size range claimed. The Examiner cited the Jaskie patent for disclosing phosphor particles with an average particle size less than 100 nm. Applicants believe that there is a misunderstanding with respect to the disclosure of the Bhargava patent. Also, the Jaskie patent does not overcome the clear deficiencies of the Jaskie patent. In addition, Applicants believe that the Jaskie patent does not place particles with the claimed particle size distribution in the hands of the public. As a result of the misunderstanding regarding the Bhargava patent and the deficiencies of the references with respect to disclosing zinc oxide with the claimed particle sizes, the Examiner has failed to